

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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|---------------------------|---|------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 4:06CR3177 |
| |) | |
| V. |) | |
| |) | MEMORANDUM |
| SILVIA OCHOA-GONZALEZ, |) | AND ORDER |
| |) | |
| Defendant. |) | |

Today the government disclosed to counsel for the defendant and the court that there are three statements by the defendant to law enforcement officers that are, in essence, confessions. The government had not heretofore disclosed the existence of those confessions. The government advises that it wishes to use these confessions in the trial of this matter. The defendant has vigorously objected contending that the disclosure comes too late and further that the late disclosure would not give the defendant an opportunity to seek suppression of the statements. The government concedes that the defendant should be given an opportunity to challenge both the late disclosure and to seek suppression of the statements. Under these circumstances,

IT IS ORDERED that:

- (1) This case is removed from the trial docket.
- (2) This matter is referred to Magistrate Judge Piester to determine by report and recommendation whether the government should be permitted to use the confessions at trial.
- (3) This matter is also referred to Magistrate Judge Piester to resolve any suppression motions directed at the confessions filed by the defendant and to issue a report and recommendation regarding said motion.

- (4) The defendant is directed to file a suppression motion no later than Friday, August 17, 2007.
- (5) The time between today's date and the issuance of Judge Piester's report and recommendation will be excluded under the provisions of the Speedy Trial Act.¹ See 18 U.S.C. § 3161.

August 2, 2007.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge

¹Counsel for both parties agree that this time should be excluded.